

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BEYER=1

In re Application of:)	Confirmation No.: 3431
)	
Jurgen BEYER et al)	Art Unit: 2617
)	
Appln. No.: 10/551,896)	Examiner: M. B. KHAN
)	
Filing Date: April 2, 2004)	September 17, 2008
371(c) Date: October 10, 2006)	
)	
For: METHOD FOR ANALYZING THE)	
INTERFERENCE AND SUPPLY...)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action
mailed August 19, 2008, entirely in the nature of a
restriction requirement, and applicants reply below.

First, however, applicants respectfully request the
PTO to acknowledge receipt of applicants' papers filed under
Section 119, it being noted that applicants have claimed
priority, and that a certified copy of the priority

application will have been forwarded to the PTO by the International Bureau of WIPO.

Restriction has been required between what the PTO deems as being two (2) patentably distinct inventions. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, presently claims 1-8, with traverse and without prejudice.

First, the requirement is traversed because it has not been based on lack of unity of invention under PCT Rules 13.1 and 13.2, but instead the present application has been treated as if it were not the National Phase of a PCT application, wherein the PCT Rules apply. As the two groups share common subject matter, unity of invention exists as per PCT Rules 13.1 and 13.2, and the requirement should be withdrawn.

Moreover, and even though the two groups are said to be separately classified, applicants believe that they are sufficiently related so that a complete search cannot be carried out on either group without a search of the other group as well. Under these conditions, the second paragraph

Appln. No. 10/551,896
Reply dated September 17, 2008
Reply to Office Action of August 19, 2008

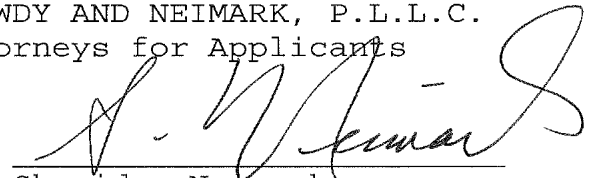
of MPEP 803 comes into effect, because a complete search and examination would not constitute a "serious burden".

Withdrawal of the requirement and examination of all the claims on the merits are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By



Sheridan Neimark
Registration No. 20,520

SN:jnj

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\R\RIEB\BEYER1\PTO\2008-9-17RESTRICT RESP.doc